

House Research Act Summary

CHAPTER: 44

SESSION: 2015 Regular Session

TOPIC: Agriculture policy

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Date: June 1, 2015

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Overview

This is the 2015 omnibus agriculture policy act. Governor Dayton signed the act into law on May 19, 2015. With the exception of section 31, this act takes effect on August 1, 2015.

Section

- 1 Permitting efficiency goal and report.** Eliminates one of two permitting efficiency reports submitted by the Minnesota Department of Agriculture (MDA) to the governor and legislature each year.
- 2 Loans issued to borrower.** Doubles loan limits for the Agriculture Best Management Practices (AgBMP) loan program.
- 3 Compensation required.** Requires a bee owner seeking compensation through MDA for the death of bees or the loss of bee colonies to be registered with an MDA-designated pesticide registry program.
- 4 Disposal site requirement.** Modifies the waste pesticide collection program statute by eliminating the requirement that collections are offered in every county. Modifies data gathering requirements so that those who collect waste pesticides need only record the weight of agricultural waste pesticides collected.
- 5 Cooperative agreements.** Eliminates the requirement that waste pesticide collections are offered in every county.
- 6 Pesticide use license requirement; internet sales prohibited; restricted use pesticides.** Prohibits selling a restricted use pesticide over the internet to a Minnesota resident who is not licensed or certified by MDA to apply restricted use pesticides.

Section

- 7 **Commercial and noncommercial applicators.** Modifies recordkeeping requirements for commercial and noncommercial pesticide applicators. Requires the applicator to record the application rate, rather than the dosage. Eliminates the applicator signature requirement. Eliminates page limits for records. Requires applicators to complete a record no more than five days after each pesticide application.
- 8 **Structural pest control applicators.** Modifies recordkeeping requirements for structural pest control applicators. Eliminates the applicator signature requirement. Eliminates the one-page limit for records. Requires applicators to complete the record no more than five days after each pesticide application.
- 9 **Incident response plan.** Consolidates and modifies agricultural chemical (i.e., fertilizer and/or pesticide) incident response plan requirements. Requires regulated entities to develop and maintain a plan that includes all information that MDA deems necessary to respond to an emergency incident. Requires MDA to make a sample incident response plan available. Requires the licensee to update the plan every three years, or whenever plan information becomes outdated, whichever comes first. Also requires the licensee to: review the plan with their employees at least once per year, make the plan available to local first responders, and document compliance with this requirement.
- 10 **Plan required.** Requires a person who sells or distributes bulk fertilizer to prepare an incident response plan. Establishes plan requirements substantially similar to the agricultural chemical incident plan requirements in section 9. Provides that a person who prepares an agricultural chemical incident response plan pursuant to section 9 is not required to also maintain a separate fertilizer plan.
- 11 **Discontinuance of specialty fertilizer, soil amendment, and plan amendment registration.** Establishes product-withdrawal requirements that apply when a registrant chooses to discontinue their state registration of a specialty fertilizer, soil amendment, or plant amendment product.
- 12 **Labeling and advertising of nursery stock.** Modifies the pollinator-friendly plant labeling restriction to replace the “detectable level” (of systemic pesticide) standard with a “no-observed-adverse-effect level” standard. Applies the restriction only to those who sell the plant at retail or who otherwise provide the plant to an end user. Allows plant labelers to label nonhardy nursery plants accurately for hardiness.
- 13 **Address.** Defines the term for purposes of seed labeling and permit application requirements in the Minnesota Seed Law.
- 14 **Total viable.** Defines the term for purposes of the Minnesota Seed Law and section 15.
- 15 **Content.** Modifies seed labeling requirements to require the heading of “total viable” for the label data representing the combined percentages of germination and hard/dormant seed.
- 16 **Hybrid seed corn.** Modifies hybrid seed corn labeling requirements so that the day classification is expressed as the number of growing season days that is within three days of the maturity rating determined by the University of Minnesota in comparative trials.
- 17 **Seed laboratory.** Establishes laboratory procedures for MDA’s testing of official seed samples to coincide with those published annually by the Association of Official Seed

Section

Analysts, or if procedures do not exist for a particular seed type, then MDA may use procedures from other recognized seed testing sources.

- 18 Prohibited and restricted weeds.** Requires MDA to identify prohibited weed seeds and restricted noxious weed seeds and the allowable rate of occurrence of the latter.
- 19 Exemption.** Exempts from seed law requirements those who share seeds for home, educational, charitable, or personal noncommercial use, subject to specified restrictions.
- 20 Embargo, seizure, and condemnation.** Expands MDA's food embargo and condemnation authority to include equipment and facilities. Authorizes MDA to halt or control the movement of food during an emergency declared by the governor, the Board of Animal Health, or the federal government.
- 21 Sunset.** Extends the Agricultural Growth, Research, and Innovation program by ten years to June 30, 2025.
- 22 State participation.** Increases the Rural Finance Authority's (RFA) maximum participation in beginning farmer loan program loans to \$400,000 per loan.
- 23 State participation.** Increases RFA's maximum participation in loan restructure program loans to \$525,000 per loan.
- 24 Participation limit; interest.** Increases RFA's maximum participation in seller-sponsored loan program loans to \$400,000 per loan.
- 25 Loan participation.** Increases RFA's maximum participation in agricultural improvement loan program loans to \$400,000 per loan.
- 26 Loan participation.** Increases RFA's maximum participation in livestock expansion loan program loans to \$525,000 per loan.
- 27 Establishment.** Expands the eligible uses of RFA's disaster recovery loan program to include loans to restore farmland or to assist commercial poultry producers who sustained financial loss or damage due to the confirmed presence of highly pathogenic avian influenza.
- 28 Eligibility.** Adds a new trigger for availability of RFA's disaster recovery loans – the governor's declaration of a peacetime emergency. (Governor Dayton declared a peacetime emergency regarding the avian influenza outbreak on April 23, 2015.) Lifts the loan program's borrower net worth limit, but only for loans issued to commercial poultry producers affected by avian influenza.
- 29 Loans.** Quadruples the maximum dollar amount of the state's participation in a disaster recovery loan issued to an eligible farmer.
- 30 Statement of grain storage; reports.** Modifies reporting requirements for public grain warehouses to include liability for any grain in open storage or stored for feed processing.
- 31 Use of term "diesel fuel".** Authorizes fuel sellers to advertise and label as "diesel fuel" any dispenser used to sell fuel approved by the federal government for use in compression-ignition engines.

Effective date: This section took effect the day following final enactment, or May 20, 2015.

Section

- 32 Definitions.** Expands the definition of “residence in foreclosure” in the chapter regulating the practice of “equity-stripping” during residential real estate foreclosures (chapter 325N). The expanded definition includes parcels of land principally used for farming, whether the parcels are contiguous or not, so long as one of the parcels is the owner’s principal home.
- 33 Foreclosed homeowner.** Similar to section 32, revises the definition of “foreclosed homeowner” in chapter 325N to include an owner of eligible farm real estate.
- 34 Residence in foreclosure.** Expands the equity-stripping protections in chapter 325N to include eligible farm real estate.
- 35 Prohibited practices.** Technical change that corresponds to the changes in sections 32 to 34.
- 36 Agritourism; immunity from liability.** Defines key terms and provides civil lawsuit immunity for agritourism professionals, as defined. An agritourism professional would not be liable for injury, damage, or death of an agritourism participant resulting from the inherent dangers of farming, ranching, winemaking, and other agritourism activities. Immunity is provided whether the participant pays to participate in the agritourism activity or not.
- However, an agritourism professional would not be immune from lawsuits stemming from (1) the professional’s negligence or willful or wanton disregard for the participant’s safety, (2) the professional’s knowledge of dangerous conditions or the dangerous propensity of a particular animal, (3) a professional intentionally injuring a participant, or (4) the professional’s failure to post the required sign that warns participants of the inherent risks of agritourism.
- Effective date:** This section takes effect on August 1, 2015, and applies to legal actions arising from incidents that occur on or after that date.
- 37 Repealer.** Eliminates the existing statute that requires regulated entities to keep fertilizer/soil amendment/plant amendment contingency response plans at the primary business site and to furnish MDA with the plan upon request (§ 18C.235, subd. 2). This topic is also addressed in sections 9 and 10. Eliminates an existing labeling rule for hybrid corn that is substantially similar to the statutory language modified in section 16 (Minn. Rule, part 1510.0111).